

On December 9, 1942, the claimant having entered a plea of nolo contendere, the court imposed a fine of \$50 on the first count and imposed a sentence of 1½ years probation on the second on condition that the defendant cease selling incubator eggs.

4381. Adulteration of shell eggs. U. S. v. 321 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond for segregation and denaturing of unfit portion. (F. D. C. No. 8975. Sample No. 8502-F.)

On or about December 7, 1942, the United States attorney for the Western District of Missouri filed a libel against 321 cases, each containing 30 dozen eggs at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 2, 1942, from Clay Center, Kans., for the Tranin Egg Products Co. of Kansas City, Mo.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 14, 1942, the Tranin Egg Products Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought into compliance with the law under the supervision of the Food and Drug Administration. The eggs were broken and the unfit portion was denatured for nonfood purposes.

4382. Adulteration of shell eggs. U. S. v. 45 Cases of Shell Eggs. Consent decree of condemnation. Product ordered released under bond for destruction or denaturing of unfit eggs. (F. D. C. No. 8918. Sample No. 17783-F.)

On November 27, 1942, the United States attorney for the Southern District of New York filed a libel against 45 cases, each containing 30 dozen shell eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 16, 1942, by C. Bachmeyer from Wallingford, Conn.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On December 12, 1942, Conrad Bachmeyer, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond on condition that the portion that was unfit for human consumption be segregated and destroyed or denatured under the supervision of the Food and Drug Administration.

4383. Adulteration and misbranding of egg substitute. U. S. v. 106 Cans and 59 Cans of Mo-Yok (egg substitute). Default decrees of condemnation and destruction. (F. D. C. Nos. 8913, 8914. Sample Nos. 17781-F, 17782-F.)

This product was a yellow, thick solution of a starchy substance in water, having the flavor of a cereal product. It contained flies, cockroaches, rodent hairs, and insect fragments.

On November 30, 1942, the United States attorney for the Eastern District of New York filed libels against 165 30-pound cans of egg substitute at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about November 2 and 4, 1942, by Samuel Greenbaum, from Newark, N. J.; and charging that it was adulterated and misbranded. The article was sold as "Mo-Yok." Some of the cans were unlabeled and the remainder were labeled in part: "Frozen Eggs," "Whole Eggs," or "Yolks."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

The portion contained in the labeled cans was alleged to be misbranded (1) in that the names "Frozen Eggs," "Whole Eggs," and "Yolks" were false and misleading as applied to a solution of a starchy substance in water; (2) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and (3) in that it had been fabricated from two or more ingredients and its label failed to bear the common or usual name of each such ingredient.

The portion contained in the unlabeled cans was alleged to be misbranded (1) in that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; (2) in that it failed to bear a label containing an accurate statement of the quantity of the contents; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On December 28, 1942, and January 4, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.